

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 1981.02  
 COMPLAINT INVESTIGATOR: Connie Rahe  
 DATE OF COMPLAINT: December 2, 2002  
 DATE OF REPORT: December 30, 2002  
 REQUEST FOR RECONSIDERATION: no  
 DATE OF CLOSURE: February 11, 2003

**COMPLAINT ISSUES:**

Whether the Gary Community School Corporation and the Gary Community Schools violated:

511 IAC 7-21-7(b) and 511 IAC 7-28-1(o) by failing to provide transportation as a related service, as specified in the student's individualized education program (IEP).

511 IAC 7-21-7(d) by failing to reimburse the parent for transporting a student with disabilities.

**FINDINGS OF FACT:**

1. The Student is six years old, attends the local kindergarten (the School), and qualifies for special education and related services under the category of mild mental disability with communication disorder.
2. The Student's IEP dated May 7, 2002, states that the Student will be provided special transportation and an aide will assist the Student to get on and off the bus and with behavior and academics. The initiation date for services on the IEP is May 7, 2002 and duration date is May 7, 2003. The Student was not provided special transportation until December 3, 2002, with intermittent problems picking up the Student for school continuing until the third week in December. The Complainant was required to provide transportation daily, to and from school.
3. The Complainant requested reimbursement for transportation costs for two five-mile trips daily that she had to provide as a result of the School not providing the required special transportation, but no reimbursement has been provided to date.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School was required to provide special transportation for the Student since May 7, 2002, but failed to initiate such service until December 3, 2002. Therefore, a violation of 511 IAC 7-21-7(b) and 511 IAC 7-28-1(o) is found.
2. Finding of Fact #2 indicates that the School was required to reimburse the Complainant for providing special transportation to and from School, but has not provided reimbursement at the rate that employees of the public agency are reimbursed for travel expenses for the ten-mile daily round trip. Therefore, a violation of 511 IAC 7-21-7(d) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The School and Complainant shall review the Student's attendance record to agree on the number of days the Complainant has been required to provide transportation, either one way or both ways, for the Student to participate in School since May 7, 2002. The Complainant shall be reimbursed at the rate that employees of the public agency are reimbursed for travel expenses. If the School and Complainant disagree on the mileage claimed, that issue would then be subject to a due process hearing. The School shall notify the Division to assign an independent hearing officer to resolve any disagreement regarding the mileage claim. A photocopy of the check issued to the Complainant, both front and back, shall be submitted to the Division no later than January 31, 2003.